signed 1/29/79

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Dear Mrs. Efros:

This letter is in response to your letter of December 5 concerning the legal authority for expenditures made in connection with the Jonestown, Guyana tragedy.

The tragedy of Jonestown has no parallel. On Sunday, November 19, the U.S. Government faced a crisis of unknown dimensions in Guyana. An America Congressman had been killed as well as other Americans in his party. A settlement believed to include about 1000 Americans was involved, and its situation was uncertain. It was apparent that the Government of Guyana required assistance in handling a major emergency created by the presence of Americans within its borders. The limited transportation and other resources of that country appeared insufficient to cope with these events in an isolated area 120 miles from the capital. Medical evacuation for the injured Americans by U.S. military aircraft was immediately authorized, and the U.S. Government offered assistance to the Government of Guyana to prevent further loss of life.

The Guyanese indicated they needed helicopter lift and other support. As events progressed, it became clear that there were large numbers of Americans dead. For a time, it was believed that there might be many survivors in the jungle, and the U.S. adjusted and increased its assistance to help the search by Guyana police and military. Finally, when the number of dead was clear, the operational requirements were to continue support of the extensive ongoing investigation of serious crimes and to identify, treat with dignity, and remove the bodies as quickly as possible to a facility that could deal with this immense problem.

Mrs. Pollee H. Efros
Assistant General Counsel
United States General Accounting Office,
Washington.

DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY J. Smith DATE 2/8/82
RDS☐or XDS☐EXT. DATE
TS AUTH. REASON(S)
ENDORSE EXISTING MARKINGS ☐
DECLASSIFIED☐ RELEASABLE☒
RELEASE DENIED☐
PA or FOI EXEMPTIONS

Extensive mortuary facilities were essential in the process of identification and investigation. Only the U.S. military had the requisite equipment and facilities.

The Government of Guyana specifically requested that we remove the bodies from Guyana. This operation was considered essential in handling the emergency which existed in Guyana at the time. The enormity of the Jonestown calamity strained the Government of Guyana's capabilities. Most of the expenditures incurred by the U.S. were at the request of the Government of Guyana in an attempt to alleviate the catastrophe and to assist that government in circumstances beyond its capacity to cope.

The President, acting under his constitutional authority as Chief Executive and Commander-in-Chief of the Armed Forces, ordered the departments of our government to take action to deal with this emergency. The operational decisions within the U.S. Government in this unique situation were made by the Secretary of State in conjunction with some of his Cabinet colleagues.

Attached at Tabs A and B you will find a description of the nature and approximate total cost to date of Department of Defense participation in the Guyana operations. (Costs identified at Tab B are based on reimbursement at non-U.S. Government rates.) The cost of most of these activities will be reimbursed by the Department of State. The cost of the autopsies and other costs associated with the pending criminal investigation were borne by the Department of Justice. The State Department anticipates expending an additional amount to dispose of the remains of any unidentified/unclaimed victims if necessary. The total cost of Jonestown-related operations is estimated to be approximately 4 million dollars.

The Department of State has acted pursuant to the authority delegated to the Secretary of State for carrying out section 531 of the Foreign Assistance Act of 1961, as amended, (FAA) which provides:

> "Sec. 531. AUTHORITY.—(a)(1) The Congress recognizes that under special economic, political, or security conditions the national interests of the United States may require economic support for countries or in amounts which could not be

justified solely under chapter 1 of part I. In such cases, the President is authorized to furnish assistance to countries and organizations, on such terms and conditions as he may determine, in order to promote economic or political stability..."

Expenditures will be charged to the Contingency Fund appropriation authorized under section 451 of the FAA, in order to reimburse the Department of Defense for the services it performed. The Contingency Fund is available, according to section 451, to provide assistance authorized by part I of the FAA*

"for any emergency purpose only in accordance with the provisions applicable to the furnishing of such assistance."

Since approximately 2.9 million dollars remains in the Contingency Fund, it may be necessary to charge additional expenses to other funds available to carry out §531 of the FAA in order to pay the total costs associated with the Jonestown operations. Congress would be notified of the obligation of such funds fifteen days in advance as required by section 634A of the FAA.

Since the remains were evacuated to Dover Air Force Base for identification purposes, it was not possible to secure prior agreement from the next of kin to reimburse the U.S. Government for costs incurred. With regard to your inquiry about evacuation of the survivors of the Jonestown tragedy, arrangements were made originally to move them by miliary aircraft to a base in South Carolina for processing and debriefing by various government agencies. Under this plan each survivor would have executed a promissory note to the Embassy for the commercial value of such travel. This arrangement was developed at a time when it appeared that the Government of Guyana would release most of the survivors at one time. However, in fact,

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*Section 202(b) of the Foreign Assistance Act of 1971 provides, inter alia, "All references to part I of the Foreign Assistance Act of 1961 shall hereafter be deemed to be references also to chapter 4 of part II..."

the survivors have been released gradually and are leaving Guyana by commercial air (either with their own funds or upon receipt of a repatriation loan pursuant to normal State Department procedures).

The Department of Justice is fully exploring possible legal remedies which can be used to recover the cost the U.S. Government has incurred in connection with the events in Guyana. It will be some time before the results of these efforts are known, but you may be assured that we continue to make every effort to keep the costs to the U.S. Government to the minimum necessary.

Sincerely,

Lee R. Marks
Acting Legal Adviser

L/T:LABaumann:kg
1/18/79 ext 22716

Clearances:
L - JMichel
L/CA - RDalton
ARA - JBushnell
A - RFeldman
D - HBarnes
CA - LDay
CA - DCiPlacido
E - BAtwood
AID/GC - CCostello
M - HJones

Info:
DOJ - GBruen
DOJ - MAbbell
DOD/GC - BRushforth

Interagency Reimbursable
Cost Estimates
for
DoD Guyana Support
as of 16 January 1979

Defense Logistics Agency Caskets.	$22,000
Department of the Army Flying hour costs, per diem, supplies and replacement of military clothing.	293,000
Department of the Air Force Airlift support, search and rescue, mortuary services, supplies and civilian overtime costs	2,820,000*
Department of the Navy Medical support for Jonestown Survivors	9,000
Total	3,144,000

* Does not include costs incident to final disposition of approximately 600 unidentified bodies at Dover Air Force base.

Cost Estimates
for
DoD Guyana Support
as of 16 January 1979
(Non-U.S. Government Reimbursable Rate)

Defense Logistics Agency Caskets	$22,000
Department of the Army Flying hour costs, per diem, supplies, replacement military clothing and military personnel costs.	340,000
Department of the Air Force Airlift support, search and rescue, mortuary services, supplies, civilian overtime and military personnel costs.	4,007,000*
Department of the Navy Medical support for Jonestown Survivors	9,000
Total	4,378,000

* Does not include costs incident to final disposition of approximately 600 unidentified bodies at Dover Air Force Base.